

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EMMA C., et al.,

Plaintiffs,

v.

DELAINE EASTIN, et al.,

Defendants.

Case No. 96-cv-04179-TEH

**ORDER RE: REASSESSMENT OF
MONITOR'S BUDGET
ALLOCATION FY 2015-2016**

On June 18, 2015, the Court provided an estimated allocation of the Monitor's budget for Fiscal Year ("FY") 2015-2016 between the District and CDE (collectively "Defendants"). Docket Nos. 2064, 2065. The fiscal year has concluded, and the Court has reviewed the Monitor's monthly timesheets to determine the actual expenditure of time and services between District-related and State-related matters. Of the approximately 697 overall hours of work reflected in the Monitor's timesheets, approximately 123 hours were spent on "general" items,¹ approximately 352 hours were spent on District-related items,² and approximately 222 hours were spent on State-related items.³

Considering the actual time expended on each category of tasks, and remaining consistent with the long-standing principle that CDE must share a portion (20% for FY 2015-2016) of the costs for District-related expenses, the reassessed allocation of the Monitor's budget is as follows:

¹ "General" tasks include: financial management; timesheets; supervision of office staff; budget preparation and allocations; meetings regarding office issues; etc.

² District-related tasks include: CD 6.1.8 resume review, interviews, and memoranda; meetings regarding the RSIP, District staffing and general issues; review of SST, behavioral and attendance data; MTSS meetings; review and analysis of RSIP data; report writing (including concluding report); updating the Court on the status of the RSIP; meet-and-confers regarding the RSIP; meetings/phone calls with counsel; etc.

³ State-related tasks include: reviewing and reporting on CDE's complaint resolution; review of compensatory education reports; review of Court documents; assisting Court with internal memoranda; creation of CAP database; review and analysis of CAP submissions and Plaintiffs' comments; writing CAP reports; meet-and-confers; meetings/phone calls with counsel; etc.

MONITOR'S BUDGET REALLOCATION FY 2015-2016

BUDGET ITEM	AMOUNT	ALLOCATION	
		DISTRICT	CDE
OFFICE EXPENSES	\$83,035.92	\$33,214.37 (40%)	\$49,821.55 (60%)
CONSULTANTS			
District-related	\$79,800.00	\$63,840.00 (80%)	\$15,960.00 (20%)
State-related	\$1,004.58	\$0.00 (0%)	\$1,004.58 (100%)
Total	\$80,804.58	\$63,840.00	\$16,964.58
PARENT ADVOCACY	\$74,000.00	\$59,200.00 (80%)	\$14,800.00 (20%)
MONITOR'S SALARY			
General	\$19,216.88	\$7,686.75 (40%)	\$11,530.13 (60%)
District-related	\$55,007.82	\$44,006.26 (80%)	\$11,001.56 (20%)
State-related	\$34,815.94	\$0.00 (0%)	\$34,815.94 (100%)
Total	\$109,040.64	\$51,693.01	\$57,347.63
BUDGET TOTALS	\$346,881.14	\$207,947.38	\$138,933.76


Given the unpredictability of the *Emma C.* litigation at the present time, the task of predicting the Monitor's budget is extremely difficult. With that in mind, the Court previously directed the Monitor to hold over any remaining funds available at the end of Fiscal Year 2015-2016 in order to minimize the possibility of a mid-year budget modification request. However, the Monitor concludes – and the Court agrees – that such a holdover is unnecessary at this time.

The FY 2015-2016 numbers ended up such that the Monitor's estimates as to the budgets for both Defendants were above the actual time expended. As to the District, the Monitor's estimated budget totaled \$214,706.80, while the actual expenditure totaled \$207,947.38. Therefore, the District is owed \$6,759.42. As to CDE, the Monitor's estimated budget totaled \$194,060.20, while the actual expenditure totaled \$138,933.76. Therefore, CDE is owed \$55,126.44.

1 The Court, after consulting with the Monitor, has determined that the best course of
2 action is to reduce the Defendants' upcoming deposits for FY 2016-2017 in accordance
3 with the amount owed to each Defendant. Therefore, IT IS HEREBY ORDERED that the
4 Defendants meet and confer with the Monitor via telephone to discuss the details of such
5 reduction no later than **Thursday, July 21, 2016.**

6
7 **IT IS SO ORDERED.**

8
9 Dated: 07/15/16


THELTON E. HENDERSON
United States District Judge

United States District Court
Northern District of California